

DENNIS L. KENNEDY
Nevada Bar No. 1462
SARAH E. HARMON
Nevada Bar No. 8106
KELLY B. STOUT
Nevada Bar No. 12105
BAILEY❖KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Telephone: 702.562.8820
Facsimile: 702.562.8821
DKennedy@BaileyKennedy.com
SHarmon@BaileyKennedy.com
KStout@BaileyKennedy.com

Attorneys for Plaintiff
MICHELLE MCKENNA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHELLE MCKENNA,

Plaintiff,

Case No. 2:14-cv-01773-JAD-(CWH)

vs.

DAVID Z. CHESNOFF, CHTD. P.C. d/b/a
CHESNOFF & SCHONFELD; DAVID Z.
CHESNOFF; and RICHARD A.
SCHONFELD,

Defendants.

JOINT STIPULATION AND ORDER TO EXTEND DISCOVERY
(Second Request)

PURSUANT TO LR 6-2, LR 7-1, AND LR 26-4, IT IS HEREBY STIPULATED AND
AGREED by and among Plaintiff Michelle McKenna (“McKenna”), and Defendants David Z.
Chesnoff, Chtd. P.C. d/b/a Chesnoff & Schonfeld (“Chesnoff & Schonfeld”), David Z. Chesnoff,
and Richard A. Schonfeld (collectively, “Defendants”), through their respective attorneys, that the
current discovery plan be extended for a period of 120 days.

Counsel in this matter have exchanged over 35,000 pages of documents and disclosed over
100 witnesses and are working diligently to schedule depositions of the parties and relevant third-

party witnesses. The Parties are also in the process of obtaining documents from third parties. In order to ensure that expert witnesses will have sufficient time to review and consider the relevant discovery materials to be obtained from third parties, as well as the deposition testimony of the parties and relevant third-party witnesses, the Parties request that all discovery deadlines be extended 120 days.

A. Current Discovery Schedule.

On June 16, 2015, this Court entered a Stipulation and Order to Extend Discovery (First Request) [ECF No. 24], which extended the discovery deadlines as follows:

- | | |
|---|-------------------|
| • Close of Discovery | January 22, 2016 |
| • Motions to Amend Pleadings or Add Parties | October 23, 2015 |
| • Expert Disclosures | November 23, 2015 |
| • Rebuttal Expert Disclosures | December 30, 2015 |
| • Interim Status Report | November 23, 2015 |
| • Dispositive Motions | February 22, 2016 |
| • Pretrial Order (in the event that dispositive motions are filed, the date for filing the joint pre-trial order shall be suspended until 30 days after a decision on the dispositive motions). | March 21, 2016 |

B. Discovery Completed to Date

1. Initial Disclosures

a. *McKenna*

On February 11, 2015, McKenna served her Initial Disclosures (12,454 pages). McKenna served her Amended Initial Disclosures on March 16, 2015; her First Supplement to Initial Disclosures on April 17, 2015 (712 pages); her Second Supplement to Initial Disclosures on July 9, 2015 (2,365 pages); and her Third Supplement to Initial Disclosures on September 29, 2015 (6,398 pages). In total McKenna has disclosed 21,933 pages of documents.

b. *Defendants*

On February 11, 2015, Defendants' served their Initial Disclosures (11,196 pages). Defendants served their First Supplement to Initial Disclosures on May 4, 2015 (296 pages); their

Second Supplement to Initial Disclosures on June 11, 2015 (398 pages); their Third Supplement to Initial Disclosures on July 21, 2015 (1,602 pages); their Fourth Supplement to Initial Disclosures on July 27, 2015 (14 pages); and their Fifth Supplement to Initial Disclosures on July 31, 2015 (168 pages). In total the Defendants disclosed 13,674 pages of documents.

2. Requests for Production of Documents

a. McKenna

On June 4, 2015, McKenna served her First Set of Requests for Production of Documents on Chesnoff & Schonfeld (111 requests). On June 5, 2015, McKenna served her Amended First Set of Requests for Production of Documents on Chesnoff & Schonfeld (same 111 requests), as well as her First Set of Requests for Production of Documents on David Z. Chesnoff, individually (115 requests), and her First Set of Requests for Production of Documents on Richard A. Schonfeld, individually (114 requests). Chesnoff & Schonfeld; David Z. Chesnoff, individually; and Richard A. Schonfeld, individually; all responded on July 27, 2015.

b. Defendants

On August 5, 2015, Defendants served their First Set of Requests for Production of Documents on McKenna (61 requests). McKenna responded on September 29, 2015.

3. Interrogatories

a. McKenna

On June 4, 2015, McKenna served her First Set of Interrogatories on Chesnoff & Schonfeld. On June 5, 2015, McKenna served her Amended First Set of Interrogatories on Chesnoff & Schonfeld, along with her First Set of Interrogatories on David Z. Chesnoff, individually, and Richard A. Schonfeld, individually. Chesnoff & Schonfeld; David Z. Chesnoff, individually; and Richard A. Schonfeld, individually; all responded on July 27, 2015.

b. Defendants

On August 5, 2015, Defendants served their First Set of Interrogatories on McKenna. McKenna responded on September 29, 2015.

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1 **C. Discovery That Remains to Be Completed.**

2 The following discovery remains to be completed:

- 3 1. Request for admissions, and additional written discovery between the
- 4 parties as needed;
- 5 2. Initial and rebuttal expert disclosures;
- 6 3. Depositions of initial and rebuttal experts;
- 7 4. Depositions of all parties;
- 8 5. Depositions of relevant percipient witnesses;
- 9 6. Depositions of plaintiff's treating physicians; and
- 10 7. Subpoenas directed to third-parties.

11 **D. Purpose of the Extension of Discovery.**

12 To date, over 35,000 pages of relevant documents and over 100 witnesses have been
 13 disclosed. Due to the volume of information produced and the extensive written discovery
 14 conducted, the Parties are still of evaluating the necessity of third-party depositions and subpoena
 15 duces tecum.

16 Additionally, the Parties are diligently negotiating a schedule for the depositions of the
 17 Parties. Currently, it appears that the depositions will occur in late October or in November due to
 18 conflicts in the Parties' and counsel's schedules. The Parties also believe that they will need to
 19 depose several third-party witnesses in November and/or December, many of whom reside outside
 20 of Nevada. Due to anticipated scheduling conflicts with pre-planned vacations during the upcoming
 21 holiday season, an extension of discovery deadlines is necessary.

22 Finally, given the extensive amount of documents produced and/or disclosed to date, and the
 23 scheduling difficulties with the depositions, the Parties believe there is insufficient time for the
 24 expert witnesses to review the relevant discovery materials and prepare their reports by the current
 25 deadline. Therefore, in an abundance of caution, the Parties are requesting a 120-day extension of
 26 all discovery deadlines.

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E. Proposed Discovery Deadlines.

Based on the foregoing, the Parties stipulate and agree to an additional 120 days for discovery. As such the following dates would apply:

- | | | |
|----|---|-------------------|
| a. | Close of Discovery: | May 23, 2016 |
| b. | Motion to amend pleadings and add parties: | February 22, 2016 |
| c. | Expert disclosures: | March 22, 2016 |
| d. | Rebuttal expert disclosures: | April 22, 2015 |
| e. | Interim status report: | March 22, 2016 |
| f. | Dispositive motions: | June 21, 2016 |
| g. | Pretrial order: (In the even that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision on the dispositive motion | July 19, 2016 |

DATED this 5th day of October, 2015.

DATED this 5th day of October, 2015.

By: /s/ Dennis L. Kennedy
 DENNIS L. KENNEDY
 SARAH E. HARMON
 KELLY B. STOUT
 BAILEY ♦ KENNEDY
 8984 Spanish Ridge Avenue
 Las Vegas, Nevada 89148-1302

By: /s/ Brian K. Terry
 BRIAN K. TERRY
 KENNETH R. LUND
 THORNDAL, ARMSTRONG, DELK,
 BALKENBUSH & EISINGER
 1100 East Bridger Avenue
 Las Vegas, Nevada 89101

Attorneys for Plaintiff
 MICHELLE MCKENNA

Attorneys for Defendants
 DAVID Z. CHESNOFF, CHTD. P.C. d/b/a
 CHESNOFF & SCHONFELD; DAVID Z.
 CHESNOFF; and RICHARD A. SCHONFELD

IT IS HEREBY ORDERED THAT:

The Joint Stipulation and Order to Extend Discovery (Second Request) is granted, and the following discovery deadlines are set:

- a. Close of Discovery: May 23, 2016
- b. Motion to amend pleadings and add parties: February 22, 2016
- c. Expert disclosures: March 22, 2016
- d. Rebuttal expert disclosures: April 22, 2015
- e. Interim status report: March 22, 2016
- f. Dispositive motions: June 21, 2016
- g. Pretrial order: (In the even that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after a decision on the dispositive motion) July 19, 2016


UNITED STATES MAGISTRATE JUDGE

Dated: October 6, 2015

Respectfully Submitted by:

BAILEY ♦ KENNEDY

By: /s/ Dennis L. Kennedy

DENNIS L. KENNEDY
SARAH E. HARMON
KELLY B. STOUT
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302

Attorneys for Plaintiff
MICHELLE MCKENNA

BAILEY ♦ KENNEDY
8984 SPANISH RIDGE AVENUE
LAS VEGAS, NEVADA 89148-1302
702.562.8820